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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 Michael Clark,
10 Plaintiff
11 v.
12 John Thomas,
13 Defendant
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Case No.: 2:09-cv-02272-JAD-GWF
**Order re: Objections Made During Dalvon
Terry's Trial Deposition**

15 Trial in this § 1983 deliberate-indifference Eighth Amendment case begins tomorrow.
16 In anticipation of the trial and with both parties' desire to present the testimony of Dalvon
17 Terry (who is presently incarcerated in California's North Kern State Prison), the Court
18 permitted the parties leave of the discovery deadline to conduct a trial deposition of Mr.
19 Terry.¹ The videotaped deposition took place via videoconference with Mr. Terry. Both
20 Plaintiff Michael Clark (who is representing himself in this civil matter) and defense counsel
21 attended via videoconference. Counsel for defendant commenced the questioning, and
22 Plaintiff was afforded the opportunity to lodge any objections. When defense counsel was
23 finished with her direct inquiry, Mr. Clark began his questioning; but he soon left the
24 deposition of his own accord stating, "You all can have this. I'm out of here." Defense
25 counsel completed the deposition and her redirect in Mr. Clark's willful absence.

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27 ¹ Doc. 152.
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As the testimony of Mr. Terry will be presented through his trial deposition (with the video image playing with the synced transcript scrolling beneath him), the Court now considers and rules on each of the objections made during Mr. Terry's deposition so that the parties have guidance in preparing the video presentation.² For any objection that is sustained, the party presenting the testimony must edit out the question, the objection and any related discussion, and any answer. For any objection that is overruled, the party presenting the testimony must edit out only the objection and any related discussion about the objection.

Page	Line(s)	Objection	Ruling
22	1	asked and answered	overruled: the question was not previously asked in this same way
25	9-10	form of the question	overruled: the Court will permit plaintiff some leeway in his questioning
26	8-9	form of the question; narrative	sustained: Mr. Clark was not asking a question; he was making a statement to the witness
26	16	relevance	overruled: the topic of Mr. Terry's known propensity for violence is relevant to this deliberate indifference claim
26	22	relevance	overruled: the topic of Mr. Terry's known propensity for violence is relevant to this deliberate indifference claim
27	4-5	relevance	overruled: the topic of Mr. Terry's known propensity for violence is relevant to this deliberate indifference claim

² The Court reviewed a copy of the trial deposition transcript in making these rulings; the copy was provided by defense counsel to the Court during calendar call, and a copy was concurrently provided to Mr. Clark.

1 In addition, the following portions of the deposition shall not be presented to the jury:

2 Page 27, line 13 through page 28, line 8.

3 Page 30, line 2 through the end.

4 DATED July 7, 2014.

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6 Jennifer A. Dorsey
7 United States District Judge
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